

ENTERED

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TAWANA C. MARSHALL, CLERK
THE DATE OF ENTRY IS
ON THE COURT'S DOCKET

IN RE:

LODGES INVESTORS, L.P.

Debtor

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Case No. 02-34835 HDH-11

**LODGES INVESTORS, L.P.,
PREMIER FUNDING, L.L.C. and
ONE REALCO CORPORATION**

Plaintiffs

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v.

Adversary No. 03-3308

**WENZ & ASSOCIATES, INC., BOX
INTERESTS, INC., AJ ASSOCIATES
and MONICA NEMTZEANU**

Defendants

**MEMORANDUM OPINION
ON PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT**

Plaintiffs filed a motion for summary judgment on July 9, 2003. Defendant, Monica Nemtzeanu, filed a response on July 22, 2003. Ms. Nemtzeanu is *pro se*. A hearing was held on July 23, 2003.

Plaintiffs seek to enjoin Ms. Nemtzeanu, a former limited partner in Lodges Investors, L.P. ("Debtor"), from asserting claims that belong to the estate or that have been discharged in the confirmed plan. At the hearing, Plaintiffs made it clear that they did not seek to affect claims of Ms.

Nemtzeanu which are strictly personal in nature.

Claims that are derivative in nature generally belong to the bankruptcy estate, and are so owned in the case. Any claim of Ms. Nemtzeanu that arises because of her status as a partner in the Debtor belongs to the Debtor.

Accordingly, the Court will enter a summary judgment as requested. Mr. Keiffer shall prepare a judgment that reflects this ruling and expressly excludes any personal claim of Ms. Nemtzeanu. Such order shall also include express language enjoining Mr. Nemtzeanu from placing a *lis pendens* on the real property of the reorganized entity.

SIGNED: 7/24/03



Harlin D. Hale
United States Bankruptcy Judge